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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/620,892	07/21/2000	Fatemah H. Akbarian	CLX-501	4785
7590	03/23/2004		EXAMINER	
			KUMAR, PREETI	
			ART UNIT	PAPER NUMBER
			1751	

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DATE MAILED: 03/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/620,892

Applicant(s)

AKBARIAN ET AL.

Examiner

Preeti Kumar

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 5-9, 34-39, 41-53 and 59-62 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5-9, 59, 34-39, 41-53, 60, 61-62 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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## **DETAILED ACTION**

### ***Final Rejection***

1. Examiner notes that the listing of the claims provided by the Applicant's is incorrect. On September 9, 2002 Applicants had cancelled claims 1 and 33. Thus, the new listing of claims should depend on claims 59 and 60. More specifically claims 5-9 should be clearly dependent on claim 59 and claims, 34-39, 41-53 should be clearly dependent on claim 60. Only claim 41 as recited on the listing of the claim has the proper dependency. Examiner is unclear why Applicant's did not make these simple dependency changes in all of the claims and submit a proper listing of the claims. Future correspondence will require a proper listing of the claims to avoid Non-Compliance issues.
2. Claims 5-9, 59, 34-39, 41-53, 60, 61-62 are pending. Claims 59, 60, 61, 62 are independent.
3. The objection to claims 56-58 is withdrawn in light of applicant's cancellation of the claims.
4. The rejection of claims 5-9, 34-39, 41-53, 56-62 under 35 U.S.C. 112, second paragraph, is withdrawn in light of applicant's amendment to the claims.
5. The rejection of claims 5-9, 34-36, 38-39, 41-42 and 46-53 and 56-62 under 35 U.S.C. 102(b) as being anticipated by You et al. (WO 97/27354) is maintained for the reasons cited in the previous office actions.

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6. The rejection of claims 37 and 43-45 under 35 U.S.C. 103(a) as being unpatentable over You et al. (WO 97/27354) is maintained for the reasons cited in the previous office actions.

***Response to Arguments***

7. Applicant's arguments filed December 19, 2003 have been fully considered but they are not persuasive.

Examiner does not understand the logic behind Applicants remarks 2-3 and declaration. Specifically regarding remarks 2 and 3, it is not clear why Declarant evaluated various brands of paper towels under ultraviolet illumination, when prior art example clearly utilize HYDRASPUN sheets. The examples recited by the prior art illustrate a dry cleaning composition placed on a HYDRASPUN carrier sheet. The Examiner is not able to compare the declaration submitted by the applicant since the ultraviolet illumination of the HYDRASPUN carrier sheet as used in the prior art examples has not been quantified.

Furthermore, Applicants urge that You et al. teach a solution comprising fluorescent whitening agents, however, review of the disclosure (pg.23, ln.27) reveals that You et al. suggest the utility of brighteners in general however do not teach or illustrate the utility of brighteners in examples I-V. Please see example I-IV, pgs.27, 45, 48. Thus, the teachings of You et al. anticipate the material limitations of the instant claims.

***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Preeti Kumar whose telephone number is 571-272-1320. The examiner can normally be reached on M-F 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on 571-272-1316. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Preeti Kumar  
Examiner  
Art Unit 1751

PK

*Margaret Einsmann*  
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